

EXECUTIVE ORDER (EO) 11998: FLOODPLAIN MANAGEMENT COMPLIANCE FOR CDBG-DR PROJECTS



Executive Order (EO) 11988 Floodplain Management requires federal activities to avoid impacts to floodplains. This precludes supporting floodplain development to the extent practicable. The U.S.

Department of Housing and Urban Development's (HUD) Community Development Block Grant Disaster Recovery (CDBG-DR) regulations in 24 CFR Part 55 outline procedures for complying with EO 11988. Part 55 applies to all HUD-funded actions that could be harmed or cause harm if located in a floodplain, including but not limited to proposed acquisition, construction, demolition, improvement, disposition, and financing actions under any HUD program. The purpose of 24 CFR 55 is not to prohibit actions in a floodplain, but to provide the methodology, commonly referred to as the "8-Step Decision Making Process" (8-Step), to ensure HUD-funded projects comply with EO 11988.

The 8-Step applies to projects in a Special Flood Hazard Area (SFHA), which are areas mapped by FEMA as having a heightened risk of flooding. These areas are the 100-year floodplain (Zones A or V) and the 500-year floodplain for critical actions (Zone B or shaded Zone X). A "critical action" is an activity for which even a slight chance of flooding would be too great, which might result in loss of life, injury or property damage. Examples of a critical action are production/storage of highly volatile, explosive, toxic materials. This also includes water/wastewater treatment plants which store chemicals, essential or irreplaceable records or emergency services, occupants having restricted mobility (hospital, nursing home), and generators. See the HUD Critical Actions Flowchart for additional compliance information.



For additional information including terminology, basic requirements, exceptions to the 8-Step, 8-Step case study, and sample floodplain public notices, visit:
<https://www.hudexchange.info/programs/environmental-review/floodplain-management/>.

IF A GLO/HUD PROJECT OCCURS IN A SFHA OR FLOODPLAIN, THERE ARE THREE OPTIONS

- ▶ Reject the project site (to avoid the flood hazard);
- ▶ Apply to FEMA for a letter of map amendment (LOMA) or map revision (LOMR) to remove the project from the flood hazard, which must be obtained at the time of the environmental review (*flood insurance would be required unless or until the LOMR is issued because of the current floodplain status even though the structures are being elevated*); or
- ▶ Proceed with the 8-step decision making process.

THE ENVIRONMENTAL REVIEW RECORD (ERR) MUST CONTAIN ONE OF THE FOLLOWING:

- ▶ Documentation supporting the determination that an exception at 55.12(c) applies.
- ▶ FEMA map showing the project is not located in a Special Flood Hazard Area.
- ▶ FEMA map showing the project is located in a Special Flood Hazard Area and an applicable citation to 55.12(b) demonstrating that the 8-Step Process is not required.
- ▶ FEMA map showing the project is located in a Special Flood Hazard Area, documentation that the 5-Step Process was completed, and the applicable citation to 55.12(a).
- ▶ A FEMA map showing the project is located in a Special Flood Hazard Area along with documentation of the 8-Step Process and required notices.